

March 18, 2022

VIA ELECTRONIC SUBMISSION

National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania NW, Room 7309C
Washington, DC 20460

Regional Freedom of Information Officer
U.S. EPA, Region 6
1445 Ross Avenue (ORC-DF)
Dallas, TX 75202-2733

Re: Freedom of Information Act Request Pursuant to 5 U.S.C. § 552 re January 2022 Clean Air Act Section 114 Information Collection Request (ICR) for Chemical Manufacturers

Dear FOIA Officers:

In accordance with the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and 40 C.F.R. § 2.1 *et seq.*, I hereby request the following records in the custody or possession of the U.S. Environmental Protection Agency ("EPA" or the "Agency"), including but not limited to those in the custody or possession of EPA Region 6 ("Region 6"):

1. Any and all documents (including but not limited to memoranda, correspondence, communications, drafts, emails, texts, notes of conversations or meetings, or similar documents) to, from, among, between, or prepared by any staff member of EPA (regardless of region or office), or all such documents between any staff member of EPA (regardless of region or office) and a third party, including but not limited to individuals, companies, trade associations, non-governmental organizations, among others, that, relate to:
 - a. Preparation of the draft and final document entitled Clean Air Act Section 114 Information Collection Request for Chemical Manufacturers circulated on January 18, 2022 (the "ICR");
 - b. Preparation of the draft and final spreadsheets and other documents associated with the ICR; and

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- c. Decisions regarding the number of and identity of entities who were included in the group of recipients of the ICR as well as the number and identify of entities excluded from the group of recipients;
- d. Decisions regarding the scope of the ICR, include which regulations and chemical constituents would be covered by the ICR;
- e. Decisions regarding the timeframe for responding to the ICR;
- f. Communications relating to any aspect of the ICR subsequent to its issuance;
- g. All documents responsive to my earlier FOIA requests dated June 25, 2021 (Request 2021-005139/R6 2021-05139) and July 30, 2021 (Request 2021-005758/ R6-2021-05758) (attached as Exhibits 1 and 2 respectively), from the dates of those requests continuing through today.

Please contact me directly by email at mschneider@bdlaw.com or by phone at (202) 789-6079 with any questions. I understand that I may be charged for this service and I agree to tender the total cost of production upon receipt of cost detail.

If all or any part of this request is denied, I request that I be provided with a written statement of the grounds for the denial. If you determine that some portions of the requested records are exempt from disclosure, please provide me with the portions that can be disclosed. I further agree to accept production of records on a rolling basis as they become available. I look forward to receiving records promptly and, in any event, in accordance with FOIA. If you have any questions regarding this request, please do not hesitate to contact me.

My email address for responsive records is mschneider@bdlaw.com. I would prefer that all documents be provided electronically and can provide a file transfer site if that would facilitate delivery of the documents. Thank you for your prompt attention to this matter.

Sincerely,



Matthew D. Schneider

Enclosures

EXHIBIT 1



Matthew D. Schneider
1900 N Street, NW
Suite 100
Washington, DC 20036
+1.202.789.6079
mschneider@bdlaw.com

June 25, 2021

VIA ELECTRONIC SUBMISSION

National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania NW, Room 7309C
Washington, DC 20460

Regional Freedom of Information Officer
U.S. EPA, Region 6
1445 Ross Avenue (ORC-DF)
Dallas, TX 75202-2733

**Re: Freedom of Information Act Request Pursuant to 5 U.S.C. § 552 re High
Priority Ethylene Oxide-Emitting Facilities**

Dear FOIA Officers:

In accordance with the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and 40 C.F.R. § 2.1 *et seq.*, I hereby request the following records in the custody or possession of the U.S. Environmental Protection Agency (“EPA” or the “Agency”), including those in the custody or possession of the Office of Air and Radiation (“OAR”), the Office of the Inspector General (“OIG”) and EPA Region 6 (“Region 6”):

1. Any and all documents (including but not limited to memoranda, correspondence, communications, emails, texts, notes of conversations or meetings, or similar documents) to, from, among, between, or prepared by EPA, OAR, OIG or Region 6 which relate to:
 - a. the factors or criteria used to identify the “25 high priority sites” that are the subject of the OIG Report No. 20-N-0128, “Management Alert: Prompt Action Needed to Inform Residents Living Near Ethylene Oxide-Emitting Facilities About Health Concerns and Actions to Address Those Concerns” dated March 31, 2020 (“hereinafter the “OIG Report”);

June 25, 2021

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- b. the source data used to generate or develop the list of “25 high priority sites” mentioned in the OIG Report;
- c. any evaluations or summaries prepared analyzing the priority status or changes to the priority status of any ethylene oxide-emitting facilities; and
- d. additional priority lists or plans for future analyses of ethylene oxide-emitting sites for potential notification.

Please contact me directly by email at mschneider@bdlaw.com or by phone at (202) 789-6079 with any questions. I understand that I may be charged for this service and I agree to tender the total cost of production upon receipt of cost detail.

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Sincerely,



Matthew D. Schneider

EXHIBIT 2

July 30, 2021

VIA ELECTRONIC SUBMISSION

Regional Freedom of Information Officer
U.S. EPA, Region 6
1445 Ross Avenue (ORC-DF)
Dallas, TX 75202-2733

**Re: Freedom of Information Act Request Pursuant to 5 U.S.C. § 552 re Ethylene
Oxide-Emitting Facilities**

Dear FOIA Officers:

In accordance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and 40 C.F.R. § 2.1 *et seq.*, I hereby request the following records in the custody or possession of the U.S. Environmental Protection Agency (“EPA” or the “Agency”), including those in the custody or possession of EPA Region 6 (“Region 6”):

1. Any and all documents (including but not limited to memoranda, correspondence, communications, emails, texts, notes of conversations or meetings, or similar documents) to, from, among, between, or prepared by EPA or Region 6 which relate to:
 - a. the memorandum titled “Results of the Risk Assessment of Ethylene Oxide Emitting Facilities in Texas and Louisiana” issued on July 8, 2021 (the “Risk Assessment”)¹;
 - b. communications which have occurred, are scheduled to occur or otherwise anticipated in response to the April 2021 Office of the Inspector General Report regarding risk communication surrounding ethylene oxide emitting facilities; and

¹ <https://www.epa.gov/system/files/documents/2021-07/region-6-risk-assessment-of-ethylene-oxide-emitting-facilities-in-texas-and-louisian-jul-8-2021.pdf>

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- c. additional priorities, actions, or plans for future analyses or risk assessments of ethylene oxide-emitting sites.

Please contact me directly by email at mschneider@bdlaw.com or by phone at (202) 789-6079 with any questions. I understand that I may be charged for this service and I agree to tender the total cost of production upon receipt of cost detail.

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Sincerely,



Matthew D. Schneider